

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

HEARTS ON FIRE COMPANY, LLC,

Plaintiff,

v.

EIGHTSTAR DIAMOND COMPANY,

Defendant.

CIVIL ACTION NO. 04-12258-JLT

**HEARTS ON FIRE COMPANY, LLC’S MOTION TO DISMISS COUNTERCLAIMS
TO AMENDED COMPLAINT**

Plaintiff Hearts On Fire Company, LLC (“HOF”) moves to dismiss defendant EightStar Diamond Company’s (“EightStar”) counterclaims to HOF’s amended complaint. Because the counterclaims do not differ in substance from those that were asserted in response to HOF’s initial complaint and because HOF has already filed a motion to dismiss EightStar’s initial counterclaims, HOF relies on the grounds set forth in its earlier motion and supporting papers, which motion remains pending with the Court.

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WHEREFORE, Plaintiff Hearts On Fire LLC requests that this Court dismiss EightStar's counterclaims to HOF's amended complaint.

HEARTS ON FIRE COMPANY, LLC

By its attorneys,

/s/ Mark D. Robins

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